

101 Re PCT/PTO 14 FEB 2001

09/700687

Attorney's Docket No. 33339/206076

PATENT

**IN THE UNITED STATES DESIGNATED OFFICE (DO/US)**

**Attn: DO/US**

In re: Laurent Benbadis et al.  
Appl No.: PCT/FR99/01165  
Filed: May 17, 1999  
For: MUTANT LACTOBACILLUS BULGARICUS  
STRAINS FREE FROM BETA-GALACTOSIDE

February 14, 2001

Box PCT  
Commissioner for Patents  
Washington, DC 20231

**SUBMITTAL OF DECLARATION  
UNDER 37 C.F.R. § 1.63**

Sir:

Enclosed is a Declaration and Power of Attorney for the above-identified patent application that has been executed by the named inventors.

A check in the amount of \$130 is also enclosed to cover the surcharge under 37 C.F.R. § 1.16(e). Any additional fee or credit may be charged to our Deposit Account No. 16-0605.

Respectfully submitted,



Raymond O. Linker, Jr.  
Registration No. 26,419

02/16/2001 UEDUVIJE 00000174 09700687

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**CERTIFICATE OF MAILING**

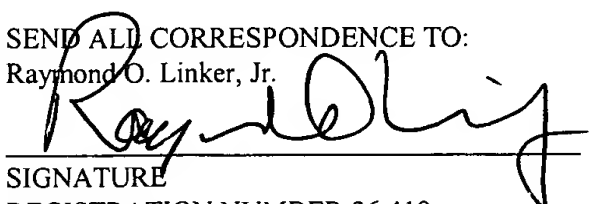
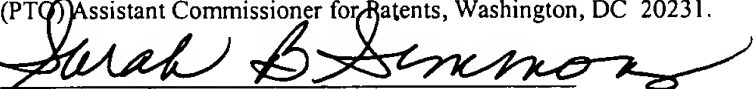
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Sarah B. Simmons  
CLT01/4465309v1

FORM PTO-1390 (REV 10-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 33339/206076	
<b>TRANSMITTAL LETTER TO THE UNITED STATES          DESIGNATED/ELECTED OFFICE (DO/EO/US)          CONCERNING A FILING UNDER 35 U.S.C. 371</b>				U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 09/700,687	
INTERNATIONAL APPLICATION NO. PCT/FR99/01165		INTERNATIONAL FILING DATE May 17, 1999		PRIORITY DATE CLAIMED May 22, 1998	
TITLE OF INVENTION MUTANT LACTOBACILLUS BULGARICUS STRAINS FREE FROM BETA-GALACTOSIDE					
APPLICANT(S) FOR DO/EO/US Laurent BENBADIS; Pierre BRIGNON; François GENDRE					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input checked="" type="checkbox"/> This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).</li> <li>4. <input checked="" type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> A English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input checked="" type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>					
<b>Items 11. To 16. Below concern other document(s) or information included:</b>					
<ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.</li> <li>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input type="checkbox"/> A FIRST preliminary amendment.  <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</li> <li>14. <input type="checkbox"/> A substitute specification.</li> <li>15. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>16. <input type="checkbox"/> Other items or information:</li> </ol>					

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.50) To be assigned		INTERNATIONAL APPLICATION NO. PCT/FR99/01165		ATTORNEY'S DOCKET NUMBER 33339/206076	
17. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS	PTO USE ONLY
<b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b> Neither international preliminary examination fee (37 CFR 1.482) nor International search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO <span style="float: right;"><b>\$1,000.00</b></span>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO <span style="float: right;"><b>\$860.00</b></span> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search (37 CFR 1.445(a)(2)) paid to USPTO <span style="float: right;"><b>\$710.00</b></span> International preliminary examination fee (37 CFR 1.482) paid to USPTO <span style="float: right;"><b>\$690.00</b></span> But all claims did not satisfy provisions of PCT Article 33(1)-(4) <span style="float: right;"><b>\$ 100.00</b></span> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) <span style="float: right;"><b>\$ 100.00</b></span>					
<b>ENTER APPROPRIATE BASIC FEE AMOUNT</b> =				<b>\$</b>	
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				<b>\$ 130.00</b>	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	10 - 20 =	0	X <b>\$18.00</b>	<b>\$ 0.00</b>	
Independent Claims	1 - 3 =	0	X <b>\$80.00</b>	<b>\$ 0.00</b>	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ <b>\$270.00</b>	<b>\$</b>	
<b>TOTAL OF ABOVE CALCULATIONS</b> =				<b>\$ 130.00</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by one-half.				<b>\$</b>	
<b>SUBTOTAL</b> =				<b>\$ 130.00</b>	
Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				<b>\$</b>	
<b>TOTAL NATIONAL FEE</b> =				<b>\$ 130.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property +				<b>\$ 40.00</b>	
<b>TOTAL FEES ENCLOSED</b> =				<b>\$ 170.00</b>	
				Amount to be Refunded	<b>\$</b>
				Charged	<b>\$</b>
a. <input checked="" type="checkbox"/> Checks in the amounts of <b>\$130.00</b> and <b>\$40.00</b> to cover the above fees is enclosed.  b. <input type="checkbox"/> Please charge my Deposit Account No. 16-0605 in the amount of \$      to cover the above fees. A duplicate copy of this sheet is enclosed.  c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 16-0605.					
Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: Raymond O. Linker, Jr.  SIGNATURE REGISTRATION NUMBER 26,419 ALSTON & BIRD LLP Post Office Drawer 34009 Charlotte, NC 28234 Tel. Charlotte Office (704) 331-6000 Fax Charlotte Office (704) 334-2014 <b>Customer Number 000826</b>			<b>"Express Mail" Mailing Label Number EL 432823375 US</b> Date of Deposit: February 14, 2001  I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to BOX PCT, Attn: DO/US (PTO) Assistant Commissioner for Patents, Washington, DC 20231.  Sarah B. Simmons		